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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,791	04/06/1999	SEIICHI OHTA	990216/LH	5436

7590 12/19/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/286,791

Applicant(s)

OHTA, SEIICHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities:

In claim 10 (line 9), "the decision" should be changed to --the determination--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurokawa (US 6,426,775).

Regarding claim 1, Kurokawa discloses an image pickup device comprising an image pickup unit (solid-state image sensor 4, figure 1, column 3, lines 28-48); a memory (memory part 10, figure 1, column 3, lines 50-53); a determining section for making a determination of whether the electric signal converted by the image pickup unit has a proper brightness or not (overall control and computing part 9 measuring light at step S203, then checking to find if it is dark at step S204, figure 2, column 4, lines 15-34); a controller for making the electric signal converted by the image pickup unit to be

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stored in the memory if a result of the determination of the determining section is proper (overall control and computing part 9, at step S204, if no "dark", it means a proper brightness, the image signal is processed through step S206-S211, S214-S221; after completion of the main exposure at the step S221, the image signal obtained by image sensor 4 is stored in memory part 10, figures 1-2, column 6, lines 13-25); a light emitter (emission part 15 and 16, figure 1) for being controlled by the controller to emit light in timing with an image pickup timing of the image pickup device (column 2, lines 25-35).

Regarding claims 2, 7, Kurokawa discloses when a result of the determination of the determining section is "not proper", the controller obtains a light quantity of the light emitter which is assumed to be "proper" based on the electric signal converted by the image pickup unit, dispatches an image pickup instruction again to the image pickup unit, and at the same time, controls the light emitter to emit light in timing with the image pickup timing (at step S204, if it is "dark", it means "not proper", a flag is set and overall control part 9 causes the emission part 15 to be sufficiently charged at step S205, figures 1-2, column 4, lines 28-34).

Regarding claim 5, all the limitations are contained in claims 1-2. Therefore, see examiner's comment regarding claims 1-2.

Regarding claim 6, all the limitations are contained in claim 1. Therefore, see examiner's comment regarding claim 1, except the limitation "an auto-focusing unit for

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driving an optical system to focus on an object" which is disclosed in Kurokawa (automatic focusing lens, figure 1, column 4, lines 1-11).

Regarding claim 8, Kurokawa discloses the controller obtains a light emission quantity of the light emitter by referring to information of a distance to an image pickup object obtained by an auto-focusing operation (figure 2, column 3, line 65 – column 4, line 49).

Regarding claim 9, Kurokawa discloses the controller makes the light emitter carry out a first light emission in a light emission quantity of the light emitter set by a user manual operation (release switch 14, figure 1, column 4, line 62 - column 5, line 10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa (US 6,426,775) in view of Kitajima (JP 07-015655).

Regarding claim 3, Kurokawa fails to specifically disclose the controller prohibits a storing of the electric signal converted by the image pickup unit, which has been

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determined as “not proper” in the memory. However, Kitajima discloses control part 15 prohibits a storing picture data in memory 113 (see constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kurokawa by the teaching of Kitajima in order to eliminate the need of power for writing and reading the unnecessary picture data (see constitution).

Regarding claim 4, Kurokawa and Kitajima fail to specifically disclose when an electric signal converted by the image pickup unit in timing with a first light emission of the light emitter is “not proper”, the controller makes the memory to store electric signals converted by the image pickup unit in timing with second and subsequent light emissions of the light emitter. However, Kurokawa discloses that at step S204, if no “dark”, it means the light emitter is not proper, the image signal is processed through step S206-S213, a main exposure is made at step S213. It would have been obvious that the image signal obtained by image sensor 4 at step S213 is stored in memory part 10 in order to save time in shooting picture.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa (US 6,426,775).

Regarding claim 10, Kurokawa discloses an image pickup method using a light emitter (emission parts 15, 16, figure 1) comprising the steps of carrying out a first light emission of a light emitter, carrying out a first image pickup in timing with this light emission (step S216, first light emission, figures 1-2, column 4, line 62 – column 5, line

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16); determining a brightness of a state of a picked-up image obtained by the image pickup operation (step S217, measure light, figure 2, column 5, lines 48-64); determining a second light emission value of the light emitter if a result of the determination is "less than a predetermined value" (over all control and computing part 9 computes a light emission time for the second light emission, figure 2, column 5, line 48 – column 6, line 12); carrying out a second light emission of the light emitter based on the second light emission value, and carrying out a second image pickup in timing with this light emission (over all control and computing part 9 computes a light emission time for the second light emission, figure 2, column 5, line 48 – column 6, line 12); storing the content of the second picked-up image (after completion of the main exposure at the step S221, the image signal obtained by image sensor 4 is stored in memory part 10, figures 1-2, column 6, lines 13-25).

Kurokawa fails to specifically disclose storing the content of the first picked-up image if a result of the decision is "at or above a predetermined value". However, Kurokawa discloses that at step S204, if no "dark", it means the decision is "at or above a predetermined value", the image signal is processed through step S206-S213, a main exposure is made at step S213. It would have been obvious that the image signal obtained by image sensor 4 at step S213 is stored in memory part 10 in order to save time in shooting picture.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogawa (US 5,682,201) discloses method and device for generating pixel signals.

Kijtajima (US 5,808,681) discloses an electronic camera.

Sakaguchi et al. (US 6,075,562) disclose an image inputting apparatus.

Fukuda et al. (US 6,278,490) disclose exposure control for an image pickup apparatus that uses an electronic flash.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is **(703) 308-9297**. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


Or faxed to : (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

LN LW
December 12, 2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600